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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/768,736 | 01/24/2001 | Martin John Callahan | 600.1119 | 1235 |

23280 7590 07/14/2003

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,736

Applicant(s)

CALLAHAN ET AL.

Examiner

Anthony H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Volz et al. (US 5,826,505).

Volz et al. teaches a printing press having plate cylinders (PT), blanket cylinders (GT), anilox inkers (D, R, HW) and drives or motors (AFW) which directly connected the anilox inkers and the plate cylinders as shown in Figs. 1-4 of Volz et al.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 17-20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Volz et al. (US 5,826,505) in view of John et al. (US 6,165,341).

Volz et al. teaches an offset printing press having substantially the structure as claimed. See the explanation of Volz et al. above. Volz et al. fails to teach the anilox inker having an ink form roll which has the same diameter with the platen cylinder. However, John et

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al. teaches a printing machine having an anilox inker including an ink form roll 12 which has the same diameter with a plate cylinder 5 (John et al., Fig.1 and col.3 lines 34-39). Therefore, it would have been obvious to one of ordinary skill in the art to modify the anilox inker of Volz et al. by substituting anilox inker which includes the ink form roll as taught by John et al. for optimal of transferring ink to a printing plate in place of the anilox inker of Volz et al. With respect to claims 19 and 20, note that the anilox roll 10 of John et al. contacts the ink form roll without directly contacting the plate cylinder as shown in Figs.1 and 2.

Claims 4-13, 15 and 16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Volz et al. (US 5,826,505) in view of Puschmerat (US 5,950,538).

Volz et al. teaches an offset printing press having substantially the structure as claimed. See the explanation of Volz et al. above. Volz et al. fails to teach the first and second blanket cylinders which are directly geared together. However, Puschmerat teaches an offset printing press having blanket cylinders 4 and 6 which are directly geared together via gears 23 and 24 (Puschmerat, Fig.1). In view of the teaching of Puschmerat, it would have been obvious to one of ordinary skill in the art to modify the drive system of Volz et al. by providing drive system as taught by Puschmerat for reducing cost of manufacture of a printing press. With respect to claim 5, the use of anilox inker which includes an anilox roll and an ink form roll is well known in the art.

Claims 1-20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Richards (US 6,050,185) in view of John et al. (US 6,165,341).

Richards teaches an offset printing press having substantially the structure as claimed. For example, Richards teaches a first plate cylinder 4a, a first blanket cylinder 6a for contacting the first cylinder, an inker roller 8a for inking the plate cylinder, a motor 10a directly connected to the inker roller, a second plate cylinder 4b, a second blanket cylinder for contacting the second

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plate cylinder, a second inker roller 8b for inking the second plate cylinder and a motor 10b for driving the second inker roller.

Richards fails to teach clearly the anilox inker which includes an ink form roll and an anilox roll.

However, John et al. teaches a printing machine having an anilox inker including an ink form roller 12 and an anilox roller 10 as shown in Fig.1 of John et al.

Therefore, in view of the teaching of John et al., it would have been obvious to one of ordinary skill in the art to modify the inker roller of Richards by substituting anilox inker which includes the anilox roller and the ink form roller as taught by John et al. for optimal of transferring ink to a printing plate in place of the inker roller 8a or 8b of John et al. With respect to claims 14-19, the combination of Richards and John et al. render obvious the method of driving a printing unit as broadly recited in the claims. With respect to claims 19 and 20, note that the anilox roll 10 of John et al. contacts the ink form roll without directly contacting the plate cylinder as shown in Figs.1 and 2.

Response to Arguments

Applicants' arguments filed on April 25, 2003 have been fully considered but they are not persuasive of any error in the above rejections. Applicant argues that Volz et al. John et al., Puschmerat, and Richards fail to teach or suggest the offset printing press as recited in the claims. Specifically, applicant argues that Volz et al. does not disclose or mention the blanket cylinders selectively contacting the plate cylinders and an anilox inker.

However, as explained above, Volz et al. teach clearly a printing press having a blanket cylinder which is selectively contacted the plate cylinder and an anilox inkers (D,R,HW) which provide ink to the plate cylinder as shown in Figs.1 and 2. For example, see Volz et al., claims 3

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and 13. Therefore, Volz et al. meets the structure as broadly recited in claims 1 and 14. Note also that the combination of Volz et al. and John et al. renders obvious claims 2, 3 and 17-20, and the combination of Volz et al. and Puschmerat renders obvious claims 4-13, 15 and 16.

Applicant argues that Richards does not teach an anilox inker, and the combination of Richards and John et al. would have precluded the limitation of selectively contacting the plate cylinder with the blanket cylinder in claim 1.

However, as explained above, while Richards does not clearly teach the use of an anilox inker, Richards clearly teaches the plate cylinder which is selectively contacted with the blanket cylinder as shown in Fig.4 of Richards. John et al. clearly teaches an anilox inker. It would have been obvious to one of ordinary skill in the art to substitute the anilox inker as taught by John et al. in place of the inker rollers of Richards. Therefore, the combination of Richards and John et al. renders obvious claims 1-20.

Applicant argues that the office action is based on improper hindsight because there is no motivation to combine Richards and John et al. and there is no teaching or suggesting in the prior art that the use of an anilox inker would have led to optimal transferring of ink.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

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suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Richards and John et al. are in the offset printing art in which the printing machine having blanket cylinders, plate cylinders which are inked by ink rollers therefore the combination of Richards and John et al. is proper since. Therefore, the combination of Richards and John et al. renders obvious claims 1-20.

Applicant argues that Richards and John et al. does not teach the structure as recited in claims 7, 10 and 12.

This argument, however, fails to recognize that a prior art reference must be "considered together with the knowledge of one of ordinary skill in the pertinent art." *In re Samour*, 571 F.2d 559, 562, 197 USPQ 1, 3-4 (CCPA 1978); See also *DeGeorge*, 768 F.2 at 1323, 226 USPQ at 762 (Fed. Cir. 1985) (a reference "need not, however, explain every detail since {it} is speaking to those skilled in the art". For example applicant argues that the office action fails to address "the first and second blanket cylinder have direct gear separated from the other, with each direct gear being driven by the third motor" as recited in claim 7. Note that Richards teaches clearly the first blanket 6a and second blanket 6b which have direct gears being driven by a third motor 28 as shown in Fig.1 of Richards. With respect to claim 10, Richards teaches clearly the ink form roll 8a which is driven directly a motor 10a and the ink form roll 8b which is driven by a motor 10b as shown in Fig.1. With respect to claim 12, a drive motor 10 of Richards can drive an ink roll, a plate cylinder and blanket cylinders since one or more inker rollers 8a, 8b may be associated with each of the plate cylinders (Richards, Fig.1 and the paragraph bridging cols. 3 and 4).

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Conclusion


Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).


A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


AHN
7/10/03


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